



Bob Riley  
Governor

# STATE OF ALABAMA

## Alabama Board of Court Reporting

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**HB: 828**

### WHAT THIS BILL DOES

**Sponsor: Rep. Marcel Black**

**Purpose: Housekeeping Legislation for the  
Alabama Board of Court Reporting (ABCR)**

After completing our first Sunset Review Audit in 2007, the Board, Legal Counsel, and Auditors from the Examiners of Public Accounts have pinpointed weaknesses in the enabling statute of the Board. Many new Boards realize oversights in the enabling statute after the Board is operational. This bill will correct these oversights. These items include temporary licensure, update language for organizations and testing, reporting requirements, eliminate board member compensation, and define the close of the grandfathering window. These are standard regulatory tools which will greatly assist the Board of Court Reporting in completing its mission to protect the public. We ask for your support. The proposed legislation consists of the following amendments:

- **Provide Temporary Licensure** – The enabling statute only extended authority to grant a Temporary License to those in the practice of court reporting less than one year on the effective date of the statute. The intention was to extend temporary licensure to new graduates of Court Reporting Programs while they apply to take and pass the licensure examination and thus allow them the opportunity to work in the court reporting profession upon graduation. The ABCR has received an outcry from students and new graduates asking for this authority that is standard procedure for many boards in Alabama.
- **Update Education Language** – Change, “High School” to “Court Reporting Program” throughout the statute as originally intended in the enabling statute
- **Update outdated organizations** – Current statute requires for nominations for the board member position of Judge to be made by the Alabama Judicial Conference. It was brought to our attention during the appointment process that this organization no longer exists and instead nominations were accepted from the Administrative Office of the Courts.
- **Update reporting requirements** – Eliminate the requirement to make an annual report to the Governor’s Office and Secretary of State since the Board already submits an annual report to the Legislature annually.
- **Eliminate the word “compensation” as it applies to Board Members** – Recommended by the Examiners of Public Accounts during the recent Sunset Review Audit. The ABCR does not have any intention of receiving compensation for board members and striking this will clarify that intention.
- **Provide a deadline date for grandfathering** – Recommended by the Examiners of Public Accounts during the recent Sunset Review Audit. The Grandfathering provision does not currently have a deadline date to make application for grandfathering. This is a standard requirement for Grandfathering provisions that was not realized until the sunset review audit.

1 HB828  
2 110065-3  
3 By Representative Black  
4 RFD: Boards and Commissions  
5 First Read: 07-APR-09

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8 SYNOPSIS: This bill would amend the statutes relating  
9 to the Alabama Board of Court Reporting to: provide  
10 temporary licensure of applicants who are new  
11 graduates of court reporting programs; provide that  
12 an applicant could take the written knowledge test  
13 at the same time as the skills test; update  
14 educational references to the term "court reporting  
15 programs"; update references to organizations;  
16 delete certain reporting requirements; delete  
17 references to compensation as it applies to board  
18 service; clarify language regarding board  
19 liability; clarify language regarding examinations  
20 of applicants; and provide a deadline for  
21 grandfathering certain applicants.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26



1 Relating to the Alabama Board of Court Reporting; to  
2 amend Sections 34-8B-4, 34-8B-5, 34-8B-9, 34-8B-10, as last  
3 amended by Act 2008-131, 2008 Regular Session (Acts 2008, p.  
4 189), 34-8B-14, and 34-8B-15, Code of Alabama 1975, so as to  
5 provide temporary licensure of applicants who are new  
6 graduates of court reporting programs; provide that an  
7 applicant could take the written knowledge test at the same  
8 time as the skills test; update educational references to the  
9 term "court reporting programs"; update references to  
10 organizations; delete certain reporting requirements; delete  
11 references to compensation as it applies to board service;  
12 clarify language regarding board liability; clarify language  
13 regarding examinations of applicants; and provide a deadline  
14 for grandfathering certain applicants.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 34-8B-4, 34-8B-5, 34-8B-9,  
17 34-8B-10, as last amended by Act 2008-131, 2008 Regular  
18 Session (Acts 2008, p. 189), 34-8B-14, and 34-8B-15, Code of  
19 Alabama 1975, are amended to read as follows:

20 "§34-8B-4.

21 "(a) There is created the Alabama Board of Court  
22 Reporting. The board shall be operative within 60 days of June  
23 1, 2006. ACRA shall provide administrative support to the  
24 board until such time as the board employs sufficient  
25 employees to implement and administer this chapter.

26 "(b) The board shall consist of seven members as  
27 follows:

1           "(1) Four court reporters certified at a  
2 professional level by NCRA or NVRA, two of whom shall be  
3 employed in official capacities and two of whom shall be  
4 employed in a freelance setting.

5           "(2) Two members in good standing with the Alabama  
6 State Bar Association.

7           "(3) One member in good standing with the ~~Alabama~~  
8 ~~Judicial Conference~~ Administrative Office of Courts.

9           "(c) Appointments to the board shall be made as  
10 follows:

11           "(1) The Governor shall appoint one official court  
12 reporter, one freelance court reporter, and one member of the  
13 Alabama State Bar Association. ACRA, NCRA, NVRA, and the  
14 Alabama State Bar Association shall respectively submit a list  
15 of three names for each appointment to the Governor for  
16 consideration.

17           "(2) The Lieutenant Governor shall appoint one  
18 member of the Alabama State Bar Association from a list of  
19 three names submitted by the Alabama State Bar Association.

20           "(3) The President Pro Tempore of the Senate shall  
21 appoint one member who is an official court reporter from a  
22 list of three names submitted by ACRA.

23           "(4) The Speaker of the House of Representatives  
24 shall appoint one member who is a freelance court reporter  
25 from a list of three names submitted by ACRA.

26           "(5) The Chief Justice of the Alabama Supreme Court  
27 shall appoint one member ~~who is a member of the Alabama~~

1 ~~Judicial Conference~~ from a list of three names submitted by  
2 the ~~Alabama Judicial Conference~~ Administrative Office of  
3 Courts.

4 "(d) All members of the board shall be citizens of  
5 the United States and the State of Alabama. The lists of names  
6 shall be submitted by the designated organizations on or  
7 before June 1, 2006. The initial terms shall begin January 1,  
8 2007, and all appointments shall be made prior to January 1 of  
9 every year.

10 "(e) The initial members shall serve the following  
11 terms as designated by the Governor:

12 "(1) Three members shall serve for two years.

13 "(2) Two members shall serve for three years.

14 "(3) Two members shall serve for four years.

15 "(f) Subsequent terms of office shall be for four  
16 years. No member shall serve more than two consecutive terms.  
17 In the event of a vacancy, the appointing authority for the  
18 position shall fill the vacancy. Each member shall serve until  
19 his or her successor is duly appointed and qualified.

20 "(g) The membership of the board shall be inclusive  
21 and reflect the racial, gender, geographic, urban/rural and  
22 economic diversity of the state. The board shall annually  
23 report to the Legislature by the second legislative day of  
24 each regular session to what extent the board has complied  
25 with the diversity provisions provided for in this subsection.

26 "(h) At its first meeting each calendar year, the  
27 board shall elect a chair, vice chair, and secretary from its



1 membership. No member shall be elected to serve more than two  
2 consecutive years in the same office.

3 "(i) After the initial appointments have been made,  
4 the board shall meet by January 2007, for the purpose of  
5 organizing and transacting business. Thereafter, the board  
6 shall meet not less than twice annually and as frequently as  
7 deemed necessary by the chair or a majority of the members.  
8 The board shall meet at such time and place as designated by  
9 the board. A quorum shall consist of four members.

10 "(j) Board members shall receive the same travel  
11 expenses and per diem as state employees pursuant to Article  
12 2, commencing with Section 36-7-20, Chapter 7, Title 36. The  
13 ~~compensation and~~ expenses shall be paid out of the funds of  
14 the board. Reimbursement shall not be made if funds are  
15 insufficient.

16 "§34-8B-5.

17 "(a) The board shall have all of the following  
18 duties and responsibilities:

19 "(1) Act on matters concerning competency licensure  
20 only and the process of granting, suspending, reinstating, and  
21 revoking a license.

22 "(2) Establish a procedure for the investigation of  
23 complaints against licensed court reporters and for the  
24 conduct of hearings in which complaints are heard.

25 "(3) Set a fee schedule for granting licenses and  
26 renewals of licenses subject to the Alabama Administrative  
27 Procedure Act.

1           "(4) Maintain a current register of licensed court  
2 reporters and a current register of temporarily licensed court  
3 reporters. Registers shall be matters of public record.

4           "(5) Maintain a complete record of all proceedings  
5 of the board.

6           "~~(6) Submit an annual report detailing the~~  
7 ~~proceedings of the board to the Governor for the previous~~  
8 ~~fiscal year and file a copy of the report with the Secretary~~  
9 ~~of State.~~

10           "~~(7)~~(6) Adopt continuing education requirements no  
11 later than October 1, 2007. Requirements shall be implemented  
12 no later than January 1, 2008.

13           "~~(8)~~(7) Determine the content of and administer  
14 examinations to be given to applicants for licensure as  
15 certified court reporters and issue numbered licenses to  
16 applicants found qualified.

17           "~~(9)~~(8) Maintain records of its proceedings and a  
18 register of all persons licensed by the board which shall be a  
19 public record and open to inspection.

20           "§34-8B-9.

21           "~~(a)~~ The board may sue and be sued in its own name  
22 to recover actual or compensatory damages, including interest  
23 and court costs, ~~sustained as the result of the conduct of any~~  
24 ~~licensee who violates this chapter or rules promulgated~~  
25 ~~hereunder.~~



1                   ~~"(b) All members of the board shall be immune from~~  
2 ~~civil liability while acting within the scope of their duties~~  
3 ~~as board members.~~

4                   "\$34-8B-10.

5                   "(a) To be licensed as a court reporter, an  
6 applicant shall be a United States citizen or, if not a  
7 citizen of the United States, a person who is legally present  
8 in the United States with appropriate documentation from the  
9 federal government, and shall pass the Written Knowledge  
10 Examination administered by NCRA or NVRA and shall pass an  
11 Alabama skills examination provided by ACRA or provide  
12 documentation of having passed the NCRA Registered  
13 Professional Reporter Examination or NVRA CVR Examination. The  
14 board shall examine or establish, or both, examination and  
15 testing procedures to enable the board to ascertain the  
16 competency of applicants for licensure. Each such skills  
17 examination shall be given at least twice each calendar year.  
18 Applications for licensure shall be signed and sworn by the  
19 applicants and submitted on forms furnished by the board. An  
20 applicant who furnishes the board with satisfactory proof of  
21 graduation from ~~an accredited high school~~ a court reporting  
22 program or its equivalent shall, upon payment of a reasonable  
23 fee in an amount determined by the board, be examined ~~by the~~  
24 ~~board~~. All applicants who are found qualified to engage in the  
25 practice of court reporting pursuant to this chapter shall be  
26 issued a license as a certified court reporter and an

1 identifying number. The license shall be valid until September  
2 30th of the year of its issuance.

3 "(b) No certified court reporter may authorize the  
4 use of his or her license number on any transcript not  
5 produced through his or her personal effort or supervision, or  
6 both. Violation of this subsection may be grounds for license  
7 suspension or revocation.

8 ~~"(c) The board shall hold at least two reporter  
9 examinations each year and may hold such additional  
10 examinations as are necessary. The secretary shall give public  
11 notice of the time and place of each examination at least 120  
12 days prior to the date set for the examination. Any person  
13 desiring to take the examination shall file his or her  
14 application with the board at least 30 days prior to the date  
15 of the examination. The preparation, administration, and  
16 grading of the examination shall be governed by the rules  
17 prescribed by the board, but the board may engage ACRA to  
18 conduct the examination under the supervision of the board.  
19 Upon determining the results of the examination, the board  
20 shall notify each applicant as to whether the applicant has  
21 passed the examination. Notification shall be by written  
22 notice mailed to the applicant by certified mail to the  
23 applicant's address as indicated on the application.~~

24 "§34-8B-14.

25 "(a) Any person who is engaged in the practice of  
26 court reporting on June 1, 2006, and who provides to the board  
27 an affidavit setting forth his or her past education and work

1 experience as a court reporter and an affidavit of a judge for  
2 whom he or she has worked as an official court reporter or  
3 three licensed attorneys, unrelated by blood or marriage to  
4 the person and who have utilized the services of the court  
5 reporter, which attests to the court reporter's proficiency in  
6 court reporting, upon payment of a fee in an amount determined  
7 by the board, shall be licensed to practice as a court  
8 reporter. The deadline for receiving applications for  
9 grandfathering is December 31, 2009.

10 "(b)(1) Any member in good standing of ACRA licensed  
11 as a certified shorthand reporter on June 1, 2006, upon  
12 payment of the licensure fee in an amount determined by the  
13 board, shall be automatically granted a license pursuant to  
14 this chapter and thereby may practice as a court reporter.

15 "~~(c)~~(2) Members of ACRA who hold the certified  
16 shorthand reporter certification and do not apply for  
17 certification within one year of June 1, 2006, shall be  
18 required to take the certified court reporter examination in  
19 order to become a certified court reporter.

20 "§34-8B-15.

21 "~~Any person who has engaged in the practice of court~~  
22 ~~reporting in the State of Alabama for less than one year on~~  
23 ~~June 1, 2006, and who provides to the board satisfactory proof~~  
24 ~~of graduation from an accredited high school~~ a court reporting  
25 program or its equivalent ~~and the affidavits of three licensed~~  
26 ~~attorneys, unrelated to the person by blood or marriage, who~~  
27 ~~have utilized his or her services, and who attest to the~~



1 ~~person's proficiency in court reporting,~~ shall, upon  
2 application to the board on forms approved by the board and  
3 payment of a fee in an amount determined by the board, be  
4 issued a temporary license to practice as a court reporter.  
5 This temporary license shall expire on the 60th day following  
6 the date upon which the next board-approved examination for  
7 licensure is given. No more than two additional temporary  
8 licenses shall be issued to any applicant who fails to pass  
9 the scheduled examination for licensure."

10           Section 2. This act shall become effective on the  
11 first day of the third month following its passage and  
12 approval by the Governor, or its otherwise becoming law.